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## RECENT CASES.

**CORPORATIONS—ORGANIZATION—STOCK SUBSCRIPTION—WILLIAMS v. CITIZEN ENTERPRISE Co.**, 57 N. E. 581 (Md.).—Action by a corporation to recover a stock subscription. *Held*, that a subscription to the capital stock of a proposed corporation cannot be enforced in the absence of a *de jure* organization. A *de facto* organization is not sufficient.

The general rule is that a subscriber to the stock of a *de facto* corporation cannot defend, in an action on his subscription, by showing that there is no *de jure* organization. *Buffalo & Allegany R.R. Co. v. Cary*, 26 N. Y. 75. To constitute a *de facto* corporation, there must be (1) a charter or general law under which the corporation might have formed; (2) an attempt to form a corporation, and *actual performance of corporate acts pursuant to the charter or law*. *Morawitz Corp.*, sec. 777. In this case it does not appear whether there was such a performance of corporate acts as is required to constitute a *de facto* corporation, and it may be distinguished from *Buffalo & Allegany R.R. Co. v. Cary* supra on this ground.

**CRIMINAL LAW—HOUSE OF ILL-FAME—STATE v. CHAUVET**, 83 N. W. 717 (Ia.).—The defendant traveled from place to place in a black covered wagon in which prostitution was carried on. *Held*, guilty of keeping a house of ill-fame.

This is the first time that a wagon has been regarded as being within a general law against keeping "houses" of ill-fame, although some cases have held that the term included tents. *Killman v. State*, 28 Am. Rep. 432; *Clifton v. State*, 53 Ga. 241. A vessel on the Mississippi was held to be within the meaning of the statute. *State v. Mullen*, 35 Ia. 199. *State v. Powers*, 36 Conn. 77, says that any building, not necessarily a dwelling, kept for immoral purposes, is included by the statute.

**EXEMPLARY DAMAGES—CORPORATIONS—AGENCY—BANK v. TEL. CABLE Co.**, 103 Fed. 841.—An operator employed to transmit money orders between banks sent a forged money-order telegram over the wires. *Held*, the telegraph company is liable for the torts of its agents, but only in compensatory damages.

The early theory was that a corporation was not liable in exemplary damages. But the case of *Lake Shore v. Prentice*, 147 U. S. 101, has so far changed this as to permit a recovery when the agent of the corporation has been acting within the scope of his authority. The position of this telegraph operator, accustomed to send money-order telegrams, would seem to be within the rule of this case. But *Railroad Co. v. Prentice* lays down a principle that is extremely difficult of application. An agent is hardly ever acting within the scope of his authority when he does a deliberately wrongful act. Consequently, *Railroad Co. v. Prentice*, instead of extending, puts satisfactory limits upon the doctrine of exemplary damages, and the present case is an illustration of its limitations.

**HIGHWAYS—ABUTTING OWNERS—BICYCLE PATHS—RYAN v. PRESTON**, 66 N. Y. Sup. 162.—Action by an abutting owner, holding fee in the highway to its center, to restrain side-path commissioners from constructing and maintaining a bicycle side-path. *Held*, such a side-path could be constructed.